

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**

In re: Jonathan Recco,)	Case No. 20-20588
)	
Debtor.)	Chapter 7
<hr/>)	
Jonathan Recco,)	
)	
Plaintiff,)	
)	
v.)	Adv. No. 21-00066
)	
U.S. Department of Education,)	
)	
Defendant.)	
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**DEFENDANT’S ACKNOWLEDGMENT AND RESPONSE
TO THE COURT’S PROCEEDING MEMO AND ORDER TO SHOW CAUSE**

Defendant, U.S. Department of Education, by its undersigned counsel, hereby acknowledges and responds to the Court’s June 1, 2021 Proceeding Memo (ECF No. 10) and June 2, 2021 Order to Show Cause (ECF No. 11), as follows:

1. Defendant first became aware of the pendency of this adversary proceeding through public notice of its filing on PACER. Thereafter, undersigned counsel notified the Department of Education of the suit and Defendant has since appeared and answered the complaint.
2. After the adversary proceeding was initiated, on March 19, 2021, the summons in this matter was issued, together with the notice of pretrial conference that was scheduled to be held on May 26, 2021. (ECF No. 3.)
3. While the summons and notice of pretrial conference were docketed by the Clerk, Defendant was never formally served with copies of the same. In addition, the undersigned counsel has yet to hear from Plaintiff, Jonathan Recco.

4. Regrettably, despite the lack of service, undersigned counsel inadvertently did not review the entirety of the docket after first receiving notice of the proceeding. Had counsel done so, she would have become aware that the pretrial conference had been scheduled for May 26, 2021.

Counsel apologizes for any inconvenience her failure to appear may have caused the Court.

5. Should Plaintiff show cause to the Court why his complaint should not be dismissed for failure to prosecute, Defendant will make itself available to attend any subsequently scheduled pretrial conference at the Court's convenience.

Respectfully submitted,

Jonathan F. Lenzner
Acting United States Attorney

/s/
Kimberly S. Phillips
Assistant United States Attorney
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Baltimore, Maryland 21201
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CERTIFICATE OF SERVICE

I hereby certify that on June 3, 2021, a copy of the foregoing *Defendant's Acknowledgment and Response to the Court's Proceeding Memo and Order to Show Cause* will be sent first class, postage pre-paid to:

Jonathan Recco
10021 Kaylorite Street
Dunkirk, Maryland 20754

/s/
Kimberly S. Phillips
Assistant United States Attorney